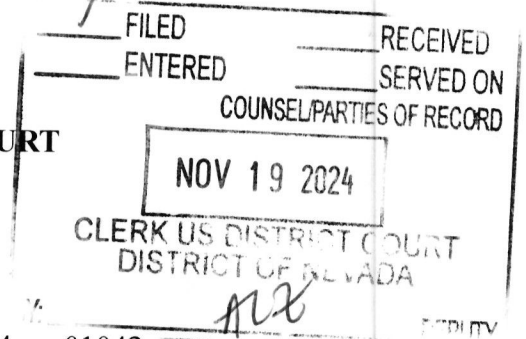


UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA



ANTHONY MITCHELL,

Plaintiff,

v.

RYAN COHEN, an individual;
ROBINHOOD FINANCIAL LLC, a
Delaware Limited Liability Company;
ROBINHOOD SECURITIES, LLC, a
Delaware Limited Liability Company;
ROBINHOOD MONEY, LLC, a Delaware
Limited Liability Company; THE
DEPOSITORY TRUST & CLEARING
CORPORATION, a New York Corporation;
20230930-DK-BUTTERFLY-1, INC., a New
York Corporation doing business as BED
BATH & BEYOND; OVERSTOCK.COM,
INC., a Delaware Corporation doing business
as BED BATH & BEYOND; RC
VENTURES LLC, a Delaware Limited
Liability Company; SUE E. GOVE, an
individual,

Defendants.

Case No. 2:24-cv-01042

**PLAINTIFF'S MOTION TO EXTEND
TIME FOR SERVICE OF SUMMONS
AND COMPLAINT**

Plaintiff Anthony Mitchell ("Plaintiff") hereby files the Motion to extend time for service of summons and complaint.

Plaintiff has attempted to serve defendants in the present case, but these attempts were unsuccessful. Only two defendants have been served, 20230930-DK-BUTTERFLY-1, INC., a New York Corporation doing business as BED BATH & BEYOND and OVERSTOCK.COM,

INC., a Delaware Corporation doing business as BED BATH & BEYOND.

Plaintiff attempted to find alternative address for service and discovered that RYAN COHEN was a defendant in the civil action filed by the United States of America, Case No. 1:24-cv-02670. Plaintiff in that case stated that RYAN COHEN is the managing member of RC VENTURES LLC with the principal office and place of business at RC VENTURES LLC at P.O. Box 25250, PMB 30427, Miami, FL 33102. On March 28, 2024, Mr. Cohen's attorney W. Todd Miller signed the Stipulation and Order in the Case No. 1:24-cv-02670. The address of W. Todd Miller is: Baker & Miller PLLC, Suite 300, 2401 Pennsylvania Avenue, N. W., Washington, D.C. 20037. Moreover, on or about June 13, 2023, Mr. Cohen filed Form 4 Statement of changes in beneficial ownership with US Securities and Exchange Commission. The address for Cohen and RC Ventures in this form was the same P.O. Box (P.O. Box 25250, PMB 30427, Miami, FL 33102).

After discovering these new addresses, Plaintiff filed the motion for substitute service, but it was denied on November 14, 2024. In the order, the Court requires more detail from Plaintiff about the efforts he took to find proper service addresses for these Defendants, the efforts he took to contact or serve these Defendants, and whether any other methods of communication with these Defendants might exist (for example, phone numbers, email addresses, social media accounts, or other information used to communicate with these Defendants). Accordingly, Plaintiff needs additional time to contact defendants and attempt service at new address.

District courts retain broad discretion to permit service-of-process extensions under Rule

4(m). See *Mann v. Am. Airlines*, 324 F.3d 1088, 1090 (9th Cir. 2003). In considering whether to grant an extension, “a district court may consider factors ‘like the statute of limitations bar, prejudice to the defendant, actual notice of a lawsuit, and eventual service.’” *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007) (quoting *Troxell v. Fedders of N. Am. Inc.*, 160 F.3d 381, 383 (9th Cir. 1998)).

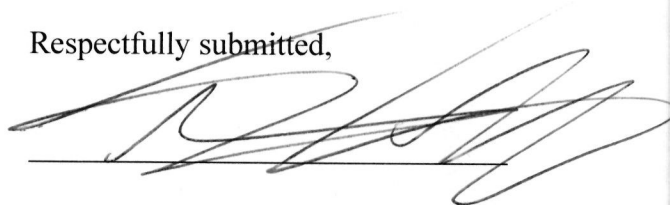
Here, Plaintiff took steps to attempt to effectuate service within the 90 days proscribed by Rule 4(m) and Civil Local Rule 4.1(a). Specifically, Plaintiff engaged a process server to serve the Defendant with the Summons and Complaint.

Despite Plaintiff’s efforts, Defendant remains unserved. Notwithstanding Plaintiff’s inability to effectuate timely service, it is clear the delay is not attributable to Plaintiff. Plaintiff has shown by this motion and declaration that he has been unable to serve Defendants at the address on record for them with Secretary of State.

For these reasons, Plaintiff respectfully requests that this Court grant his Motion to extend time for service of summons and complaint.

Dated: November 17, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony Mitchell', written over a horizontal line.

ANTHONY MITCHELL, pro se

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY MITCHELL,

Plaintiff,

v.

RYAN COHEN, an individual;
ROBINHOOD FINANCIAL LLC, a
Delaware Limited Liability Company;
ROBINHOOD SECURITIES, LLC, a
Delaware Limited Liability Company;
ROBINHOOD MONEY, LLC, a Delaware
Limited Liability Company; THE
DEPOSITORY TRUST & CLEARING
CORPORATION, a New York Corporation;
20230930-DK-BUTTERFLY-1, INC., a New
York Corporation doing business as BED
BATH & BEYOND; OVERSTOCK.COM,
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as BED BATH & BEYOND; RC
VENTURES LLC, a Delaware Limited
Liability Company; SUE E. GOVE, an
individual,

Defendants.

Case No. 2:24-cv-01042

**DECLARATION OF ANTHONY
MITCHELL IN SUPPORT OF MOTION
TO EXTEND TIME FOR SERVICE OF
SUMMONS AND COMPLAINT**

I, ANTHONY MITCHELL declare as follows:

1. I am over 18, residing at 412 Viewmont, Henderson, NV 89015.
2. I am filing this declaration in support of my Motion to extend time for service of summons and complaint.

Page 1

**DECLARATION OF ANTHONY MITCHELL IN SUPPORT OF MOTION TO EXTEND TIME
FOR SERVICE OF SUMMONS AND COMPLAINT**

1 3. I have attempted to serve defendants in the present case, but these attempts were
2 unsuccessful.

3 4. Only two defendants have been served, 20230930-DK-BUTTERFLY-1, INC., a
4 New York Corporation doing business as BED BATH & BEYOND and
5 OVERSTOCK.COM, INC., a Delaware Corporation doing business as BED BATH &
6 BEYOND.
7

8 5. I have been unable to serve Defendants at the address on record for them with
9 Secretary of State.
10

11 6. I attempted to find alternative address for service and discovered that RYAN
12 COHEN was a defendant in the civil action filed by the United States of America, Case
13 No. 1:24-cv-02670.
14

15 7. Plaintiff in that case stated that RYAN COHEN is the managing member of RC
16 VENTURES LLC with the principal office and place of business at RC VENTURES
17 LLC at P.O. Box 25250, PMB 30427, Miami, FL 33102. On March 28, 2024, Mr.
18 Cohen's attorney W. Todd Miller signed the Stipulation and Order in the Case No. 1:24-
19 cv-02670. The address of W. Todd Miller is: Baker & Miller PLLC, Suite 300, 2401
20 Pennsylvania Avenue, N. W., Washington, D.C. 20037.
21

22 8. Moreover, on or about June 13, 2023, Mr. Cohen filed Form 4 Statement of
23 changes in beneficial ownership with US Securities and Exchange Commission. The
24
25
26

1 address for Cohen and RC Ventures in this form was the same P.O. Box (P.O. Box
2 25250, PMB 30427, Miami, FL 33102).

3
4 9. After discovering these new addresses, I filed the motion for substitute service,
5 but it was denied on November 14, 2024.

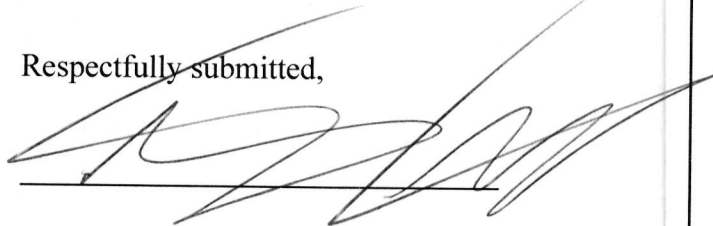
6
7 10. In the order, the Court requires more detail from Plaintiff about the efforts he took
8 to find proper service addresses for these Defendants, the efforts he took to contact or
9 serve these Defendants, and whether any other methods of communication with these
10 Defendants might exist (for example, phone numbers, email addresses, social media
11 accounts, or other information used to communicate with these Defendants).

12
13 11. Accordingly, I need additional time to contact defendants and attempt service at
14 new address.

15
16 I declare under penalty of perjury under the laws of Nevada that the foregoing is true and
17 correct.

18
19
20 Dated: November 17, 2024

21 Respectfully submitted,

22 

23 ANTHONY MITCHELL, pro se
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